

HOUSE BILL No. 2330

By Committee on Elections and Governmental Organization

2-1

9 AN ACT concerning elections; amending K.S.A. 25-1115, 25-2102, 25-
10 2502 and 25-3901 and K.S.A. 2006 Supp. 25-1122 and repealing the
11 existing sections.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 25-1115 is hereby amended to read as follows: 25-
15 1115. (a) “General election” means the election held on the Tuesday
16 succeeding the first Monday in November of even-numbered years, the
17 elections held for officers on the first Tuesday in April, and in the case
18 of special elections of any officers to fill vacancies, the election at which
19 any such officer is finally elected.

20 (b) “Primary election” means the election held on the ~~first~~ *second*
21 Tuesday in ~~August~~ *September* of even-numbered years, the election held
22 five weeks preceding the election on the first Tuesday in April, and any
23 other preliminary election at which part of the candidates for special
24 election to any national, state, county, city or school office are eliminated
25 by the process of the election but at which no officer is finally elected.

26 Sec. 2. K.S.A. 2006 Supp. 25-1122 is hereby amended to read as
27 follows: 25-1122. (a) Any registered voter may file with the county elec-
28 tion officer where such person is a resident, or where such person is
29 authorized by law to vote as a former precinct resident, an application for
30 an advance voting ballot. The signed application shall be transmitted only
31 to the county election officer by personal delivery, mail, facsimile or as
32 otherwise provided by law.

33 (b) If the registered voter is applying for an advance voting ballot to
34 be transmitted in person, and such voter is a first-time voter, such voter
35 shall provide a form of valid identification such as a current and valid
36 Kansas driver’s license, nondriver’s identification card, utility bill, bank
37 statement, paycheck, government check or other government document
38 containing the voter’s current name and address as indicated on the reg-
39 istration book. Such voter shall not be required to provide identification
40 if such voter has previously provided current and valid identification in
41 the county where registered.

42 (c) If the registered voter is applying for an advance voting ballot to
43 be transmitted by mail, and such voter is a first-time voter, such voter

1 shall provide on the application for an advance voting ballot the voter's
2 current and valid Kansas driver's license number, nondriver's identifica-
3 tion card number or the last four digits of the voter's social security num-
4 ber, or shall provide with the application a copy of the voter's current and
5 valid Kansas driver's license, nondriver's identification card, utility bill,
6 bank statement, paycheck, government check or other government doc-
7 ument containing the voter's current name and address as indicated on
8 the registration book. Such voter shall not be required to provide iden-
9 tification if such voter has previously provided current and valid identi-
10 fication in the county where registered.

11 (d) If a first-time voter is unable or refuses to provide current and
12 valid identification, or if the name and address do not match the voter's
13 name and address on the registration book, the voter may vote a provi-
14 sional ballot according to K.S.A. 25-409, and amendments thereto. The
15 voter shall provide a valid form of identification as defined in subsection
16 (c) of this section to the county election officer in person or provide a
17 copy by mail or electronic means before the meeting of the county board
18 of canvassers. At the meeting of the county board of canvassers the county
19 election officer shall present copies of identification received from pro-
20 visional voters and the corresponding provisional ballots. If the county
21 board of canvassers determines that a voter's identification is valid and
22 the provisional ballot was properly cast, the ballot shall be counted.

23 (e) Applications for advance voting ballots to be transmitted to the
24 voter by mail shall be filed only at the following times:

25 (1) For the primary election occurring on the ~~first~~ *second* Tuesday in
26 ~~August~~ *September* in even-numbered years, between April 1 of such year
27 and the last business day of the week preceding such primary election.

28 (2) For the general election occurring on the Tuesday succeeding the
29 first Monday in November in even-numbered years, between 90 days
30 prior to such election and the last business day of the week preceding
31 such general election.

32 (3) For the primary election held five weeks preceding the first Tues-
33 day in April, between January 1 of the year of such election and the last
34 business day of the week preceding such primary election.

35 (4) For the general election occurring on the first Tuesday in April,
36 between January 1 of the year of such election and the last business day
37 of the week preceding such general election.

38 (5) For question submitted elections occurring on the date of a pri-
39 mary or general election, the same as is provided for ballots for election
40 of officers at such election.

41 (6) For question submitted elections not occurring on the date of a
42 primary or general election, between the time of the first published notice
43 thereof and the last business day of the week preceding such question

1 submitted election, except that if the question submitted election is held
2 on a day other than a Tuesday, the county election officer shall determine
3 the final date for mailing of advance voting ballots, but such date shall
4 not be more than three business days before such election.

5 (7) For any special election of officers, at such time as is specified by
6 the secretary of state.

7 (8) For the presidential preference primary, between January 1 of
8 the year in which such primary is held and the last business day of the
9 week preceding such primary election.

10 The county election officer of any county may receive applications prior
11 to the time specified in this subsection (e) and hold such applications
12 until the beginning of the prescribed application period. Such applications
13 shall be treated as filed on that date.

14 (f) Unless an earlier date is designated by the county election office,
15 applications for advance voting ballots transmitted to the voter in person
16 in the office of the county election officer shall be filed on the Tuesday
17 next preceding the election and on each subsequent business day until
18 no later than 12:00 noon on the day preceding such election. If the county
19 election officer so provides, applications for advance voting ballots trans-
20 mitted to the voter in person in the office of the county election officer
21 also may be filed on the Saturday preceding the election. Upon receipt
22 of any such properly executed application, the county election officer shall
23 deliver to the voter such ballots and instructions as are provided for in
24 this act.

25 An application for an advance voting ballot filed by a voter who has a
26 temporary illness or disability or who is not proficient in reading the
27 English language or by a person rendering assistance to such voter may
28 be filed during the regular advance ballot application periods until the
29 close of the polls on election day.

30 In any county having a population exceeding 250,000, the county elec-
31 tion officer may designate places other than the central county election
32 office as satellite advance voting sites. At any satellite advance voting site,
33 a registered voter may obtain an application for advance voting ballots,
34 such ballots and instructions shall be delivered to the voter in the same
35 manner and subject to the same limitations as otherwise provided by this
36 subsection.

37 (g) Any person having a permanent disability or an illness which has
38 been diagnosed as a permanent illness is hereby authorized to make an
39 application for permanent advance voting status. Applications for per-
40 manent advance voting status shall be in the form and contain such in-
41 formation as is required for application for advance voting ballots and also
42 shall contain information which establishes the voter's right to permanent
43 advance voting status.

1 (h) On receipt of any application filed under the provisions of this
2 section, the county election officer shall prepare and maintain in such
3 officer's office a list of the names of all persons who have filed such
4 applications, together with their correct post office address and the pre-
5 cinct, ward, township or voting area in which such persons claim to be
6 registered voters or to be authorized by law to vote as former precinct
7 residents and the present resident address of each applicant. Such names
8 and addresses shall remain so listed until the day of such election. The
9 county election officer shall maintain a separate listing of the names and
10 addresses of persons qualifying for permanent advance voting status. All
11 such lists shall be available for inspection upon request in compliance
12 with this subsection by any registered voter during regular business hours.
13 The county election officer upon receipt of such applications shall enter
14 upon a record kept by such officer the name and address of each appli-
15 cant, which record shall conform to the list above required. Before in-
16 spection of any advance voting ballot application list, the person desiring
17 to make such inspection shall provide to the county election officer iden-
18 tification in the form of driver's license or other reliable identification and
19 shall sign a log book or application form maintained by such officer stating
20 such person's name and address and showing the date and time of in-
21 spection. All records made by the county election officer shall be subject
22 to public inspection, except that the voter identification information re-
23 quired by subsections (b) and (c) and the identifying number on ballots
24 and ballot envelopes and records of such numbers shall not be made
25 public.

26 (i) If a person on the permanent advance voting list fails to vote in
27 two consecutive general elections held on the Tuesday succeeding the
28 first Monday in November of each even-numbered year, the county elec-
29 tion officer may mail a notice to such voter. Such notice shall inform the
30 voter that the voter's name will be removed from the permanent advance
31 voting list unless the voter renews the application for permanent advance
32 voting status within 30 days after the notice is mailed. If the voter fails to
33 renew such application, the county election officer shall remove the
34 voter's name from the permanent advance voting list. Failure to renew
35 the application for permanent advance voting status shall not result in
36 removal of the voter's name from the voter registration list.

37 (j) For the purposes of this section, "first-time voter" means a reg-
38 istered voter who has not previously voted in any election in the county
39 in which the voter desires to vote. First-time voter includes a person
40 whose name was removed from the county registration list in accordance
41 with K.S.A. 25-2316c, and amendments thereto, and who has re-
42 registered.

43 (k) The secretary of state may adopt rules and regulations defining

1 valid forms of identification.

2 Sec. 3. K.S.A. 25-2102 is hereby amended to read as follows: 25-
3 2102. (a) “General election” means the election held on the Tuesday
4 succeeding the first Monday in November of even-numbered years, the
5 elections held for officers on the first Tuesday in April, and in the case
6 of special elections of any officers to fill vacancies, the election at which
7 any such officer is finally elected.

8 (b) “Primary election” means the election held on the ~~first~~ *second*
9 Tuesday in ~~August~~ *September* of even-numbered years, the election held
10 five weeks preceding the election on the first Tuesday in April, and any
11 other preliminary election at which part of the candidates for special
12 election to any national, state, county, city or school office are eliminated
13 by the process of the election but at which no officer is finally elected.

14 Sec. 4. K.S.A. 25-2502 is hereby amended to read as follows: 25-
15 2502. (a) “General election” means the election held on the Tuesday
16 succeeding the first Monday in November of even-numbered years, the
17 elections held for officers on the first Tuesday in April, and in the case
18 of special elections of any officers to fill vacancies, the election at which
19 any such officer is finally elected.

20 (b) “Primary election” means the election held on the ~~first~~ *second*
21 Tuesday in ~~August~~ *September* of even-numbered years, the election held
22 five weeks preceding the election on the first Tuesday in April, and any
23 other preliminary election at which part of the candidates for special
24 election to any national, state, county, township, city or school office are
25 eliminated by the process of the election but at which no officer is finally
26 elected.

27 Sec. 5. K.S.A. 25-3901 is hereby amended to read as follows: 25-
28 3901. As used in this act, unless the context otherwise requires, the words
29 and terms defined in article 25 of chapter 25 of Kansas Statutes Annotated
30 shall have the meaning therein ascribed thereto, to the extent that the
31 same are not in conflict with the following:

32 (a) “District office” means the office of district judge, district mag-
33 istrate judge, county commissioner, state representative, state senator,
34 district attorney or county attorney.

35 (b) “Party” means a political party having a state and national organ-
36 ization and of which the officer or candidate whose position has become
37 vacant was a member.

38 (c) “Party candidacy” means a candidate of a political party for a party
39 nomination at a primary election or the party candidate at a general
40 election.

41 (d) “General election” means the election held on the Tuesday suc-
42 ceeding the first Monday in November in even-numbered years.

43 (e) “Primary election” means the election held on the ~~first~~ *second*

1 Tuesday in ~~August~~ *September* in even-numbered years.

2 (f) "County chairman" or "county chairperson" means the chairper-
3 son of the county central committee, provided to be elected under K.S.A.
4 25-3802 and amendments thereto, of the political party of which the of-
5 ficer or candidate whose position has become vacant was a member.

6 Sec. 6. K.S.A. 25-1115, 25-2102, 25-2502 and 25-3901 and K.S.A.
7 2006 Supp. 25-1122 are hereby repealed.

8 Sec. 7. This act shall take effect and be in force from and after its
9 publication in the statute book.